

SUBCHAPTER 3. REGISTRATION OF IONIZING RADIATION-PRODUCING MACHINES AND RADIOACTIVE MATERIALS

7:28-3.1 Registration for possession of ionizing radiation-producing machines and radioactive by-product material, source material and special nuclear material

- (a) Any person, manufacturer, dealer or State, county or local government shall register with the Department all radioactive by-product material, source material, special nuclear material and every ionizing radiation-producing machine possessed within the State of New Jersey except as exempted by N.J.A.C. 7:28-3.2.
- (b) Any person, manufacturer, dealer or State, county or local government shall apply for such registration within 30 days after taking possession, custody or control of radioactive by-product material, source material, special nuclear material and ionizing radiation-producing machines on forms available from the Department.
- (c) Any person, manufacturer, dealer or State, county or local government shall retain a copy of the registration at the facility for inspection by employees and the Department.

7:28-3.2 Exemptions from registration for possession of ionizing radiation-producing machines and radioactive by-product material, source material and special nuclear material

- (a) Ionizing radiation-producing machines not being used in such a manner as to produce radiation, such as equipment in storage or on display, are exempt from registration. Machines that are operated while on display must meet the requirements of N.J.A.C. 7:28-3.1.
- (b) Electrical equipment that is not primarily intended to produce radiation and that does not produce radiation greater than 0.5 millirem per hour at any readily accessible point five centimeters from its surface is exempt from registration. Production-testing facilities for such equipment shall not be exempt if any individual might receive a radiation dose exceeding the limits established in N.J.A.C. 7:28-6.2.
- (c) Ionizing radiation-producing machines possessed, stored or used by agencies of the United States Government are exempt from registration.
- (d) Those radioactive materials covered in specific and general state licenses issued by the Department in accordance with N.J.A.C. 7:28-4 are exempt from registration.
- (e) Those radioactive materials contained in devices which are covered under general license issued by the United States Nuclear Regulatory Commission or have been

granted an exemption from licensing requirements by the United States Nuclear Regulatory Commission are exempt from registration.

- (f) Quantities of radioactive material equal to or less than those listed in N.J.A.C. 7:28-3.11 are exempt from registration requirements provided that no individual user of radioactive material shall have more than 10 such quantities of any material or materials at any one time.

7:28-3.3 Registration of ionizing radiation-producing machines

- (a) Registration of ionizing radiation-producing machines shall pertain to each x-ray tube and its accompanying transformer, generator and control panel. If more than one x-ray tube operates off the same control panel, a separate registration is required for each tube.
- (b) All registrations issued for ionizing radiation-producing machines shall expire on May 19 of each renewal year or shall expire one year from the date of initial application as determined by the Department. Registrations are renewable by the registrant for a period of one year upon payment of the fee provided in N.J.A.C. 7:28-3.12.
- (c) Applications for new registrations for ionizing radiation producing machines will be accepted throughout the calendar year. The annual registration fee set forth in N.J.A.C. 7:28-3.12 shall be either prorated from the date the registration is issued until its expiration date on May 19 following the date of application, except that the Department may issue a registration for an additional year when an application is initially filed during the last three months of the registration year, or shall be assessed in full from the date of application until its expiration date one year later as determined by the Department.

7:28-3.4 Temporary registration of ionizing radiation-producing machines

- (a) Any person, manufacturer, dealer or State, county or local government having temporary possession, custody or control of any ionizing radiation-producing machine for the purpose of replacing a registered machine that is out of service for a period longer than 60 days or for evaluation prior to purchase for a period longer than 60 days shall obtain a registration for temporary possession, custody or control of said machine.
- (b) Application for temporary registration shall be submitted, on forms available from the Department, within 30 days after taking temporary possession, custody or control. No registration fee will be charged if the period of temporary possession, custody or control does not exceed 60 days. If the period exceeds 60 days, the annual registration fee for said machine set forth in N.J.A.C. 7:28-3.12 will be charged as of the date of application for the temporary registration.
- (c) Within 30 days after relinquishment of temporary possession, custody or control of an ionizing radiation-producing machine, the registrant shall notify the

Department in writing to terminate the temporary registration. The Department shall continue to charge a registration fee until a written notice of termination is received from the registrant.

7:28-3.5 Registration of radioactive by-product material, source material and special nuclear material

Any person having within his possession, custody or control any radioactive by-product material, source material or special nuclear material pursuant to a license issued by the United States Nuclear Regulatory Commission shall apply for and obtain a registration for possession, custody or control of the specified type(s) and amount(s) of such material as authorized by the license issued by the Nuclear Regulatory Commission. Application forms for the registration of radioactive material are available from the Department. When submitting an application, the applicant shall attach to the application a copy of the license issued by the Nuclear Regulatory Commission.

- (b) A registrant does not have to apply for a new or amended registration for receipt of each shipment of a type of radioactive material for which it has a valid current registration provided that the total amount of such type of radioactive material in the registrant's possession, custody or control does not exceed the amount authorized in its registration for such type of material.
- (c) Fees in the amounts indicated in N.J.A.C. 7:28-3.13 shall be paid for each initial registration application, each registration amendment and each annual registration renewal.
- (d) Any registration issued for radioactive materials pursuant to this subchapter shall be valid for so long as the license issued by the United States Nuclear Regulatory Commission is in full force and effect.

7:28-3.6 Transfer of registration for possession of radioactive by-product material, source material, special nuclear material and ionizing radiation-producing machines

Registrations for possession of radioactive by-product material, source material, special nuclear material and ionizing radiation-producing machines are not transferable.

7:28-3.7 Amendments to registration of ionizing radiation-producing machines

- (a) A registrant must notify the Department in writing within 30 days after any change in the following information on the application for registration of an ionizing radiation-producing machine:
 - 1. Trade name;
 - 2. X-ray tube capacity;
 - 3. Type of housing;
 - 4. Generator power;
 - 5. Owner;
 - 6. Co-owner;
 - 7. Location of machine including address (number, street, city, zip code, county) and room number;
 - 8. Machine category;
 - 9. Manufacturer;
 - 10. Control panel model number; and

11. Control console serial number.

7:28-3.8 Amendments to registration of radioactive by-product material, source material or special nuclear material

A registrant shall notify the Department in writing within 30 days of any change in the license issued by the Nuclear Regulatory Commission for possession, custody or control of any type of radioactive by-product material, source material or special nuclear material when there is a change in the type and/or quantity of such material or when there is a change in the designated licensed user(s) or radiation safety officer.

7:28-3.9 Sale, installation, relocation or disposal of ionizing radiation-producing machines

- (a) Whenever a manufacturer or dealer sells, installs, relocates or disposes of an ionizing radiation-producing machine, said manufacturer, agent or dealer shall give written notification thereof to the Department within 30 days of such sale, installation, relocation or disposal. Said notification shall include the manufacturer, model and serial number of each component, name and address of the new owner(s), address of the relocated machine or details of the final disposition of the machine. Notification shall be submitted on a form available from the Department. The Department may accept the current form used by the United States Food and Drug Administration for Report of Assembly of a Diagnostic X-ray System if the Department determines that the information is complete and accurate.
- (b) Whenever an owner sells, relocates or disposes of an ionizing radiation-producing machine, said owner shall:
 - 1. Give written notification to the Department on forms available from the Department within 30 days of such sale, relocation or disposal;
 - 2. Include the New Jersey registration number, manufacturer, model and serial number of each component;
 - 3. Include the name and address of the new owner(s), and
 - 4. Include the address of the relocated machine, or details of the final disposition of the machine; and
 - 5. Be responsible for all fees until the written notification is received by the Department.

7:28-3.10 Denial of an application for registration, and suspension, modification, or revocation of registration of ionizing radiation-producing machines, radioactive by-product material, source material or special nuclear material

- (a) The Department, in addition to any penalties authorized by the Act, may deny an application for registration or suspend, modify or revoke a registration of ionizing radiation-producing machines, radioactive by-product material, source material or special nuclear material by reason of amendments to the Act, adoption of rules, orders issued by the Department pursuant to said Act or if the applicant or registrant:

1. Fails to comply with any provisions of the Act or any rules promulgated pursuant thereto including the timely payment of registration fees;
 2. Falsifies or makes misleading statements in the application for registration;
 3. Falsifies or makes misleading statements in any documents which were utilized to obtain a registration;
 4. Alters registration documents;
 5. Falsifies required records;
 6. Aids, abets, combines with, or conspires with any person for any purpose which will evade or be in violation of the provisions of the Act or any rules promulgated pursuant thereto; or
 7. Allows a registration to be used by any person for any purpose which will evade or be in violation of the provisions of the Act or any rules promulgated pursuant thereto.
- (b) Except as provided in N.J.S.A. 26:2D-12 in cases of emergency, no registration shall be denied, modified, suspended or revoked prior to a hearing conducted by the Office of Administrative Law pursuant to N.J.S.A. 52:14B-1 et seq., the Administrative Procedure Act, and N.J.A.C. 1:1-1 et seq., the Uniform Administrative Practice Rules, on the basis of a Notice of Intent filed by the Department stating the grounds for denial, suspension, modification or revocation of a registration.
- (c) The Department may terminate a registration upon request submitted by the registrant to the Department in writing.

7:28-3.11 Table of radioactive materials and quantities exempt from registration

- (a) The following radioactive materials, in quantities less than or equal to those specified below, are exempt from registration:

#	Column B	Column A	
		Not as a sealed source	As a sealed source
	Radioactive Material (microcuries)	(microcuries)	(microcuries)
	Antimony (Sb 124)	1	10
	Arsenic 76 (As 76)	10	10
	Arsenic 77 (As 77)	10	10
	Barium 140/+Lanthanum 140 (Ba 140/+La 140)	1	10
	Beryllium (Be 7)	50	50

Cadmium 109/+Silver 109		
(Cd 109/+Ag 109)	10	10
Calcium 45 (Ca 45)	10	10
Carbon 14 (C 14)	50	50
Cerium 144/+Praseodymium	144	
(Ce 144/+Pr 144)	1	10
Cesium 137/+Barium 137		
(Ce 137/+Ba 137)	1	10
Chlorine 36 (Cl 36)	1	10
Chromium 51 (Cr 51)	50	50
Cobalt 60 (Co 60)	1	10
Copper 64 (Cu 64)	50	50
Europium 154 (Eu 154)	1	10
Fluorine 18 (F 18)	50	50
Gallium 72 (Ga 72)	10	10
Germanium 71 (Ge 71)	50	50
Gold 198 (Au 198)	10	10
Gold 199 (Au 199)	10	10
Hydrogen 3 (Tritium H 3)	250	250
Indium 114 (In 114)	1	10
Iodine 131 (I 131)	10	10
Iridium 192 (Ir 192)	10	10
Iron 55 (Fe 55)	50	50
Iron 59 (Fe 59)	1	10
Lanthanum 140 (La 140)	10	10
Manganese 52 (Mn 52)	1	10
Manganese 56 (Mn 56)	50	50
Molybdenum 99 (Mo 99)	10	10
Nickel 59 (Ni 59)	1	10
Nickel 63 (Ni 63)	1	10
Niobium 95 (Nb 95)	10	10
Palladium 109 (Pd 109)	10	10
Palladium 103/+Rhodium 103		
(Pd 103/+Rh 103)	50	50
Phosphorus 32 (P 32)	10	10
Polonium 210 (Po 210)	0.1	1
Potassium 42 (K 42)	10	10
Praseodymium 143 (Pr 143)	10	10
Promethium 147 (Pm 147)	10	10
Rhenium 186 (Re 186)	10	10
Rhodium 105 (Rh 105)	10	10
Rubidium 86 (Rb 86)	10	10
Ruthenium 106/+Rhodium 106		
(Ru 106/+Rh 106)	1	10
Samarium 153 (Sm 153)	10	10
Scandium 46 (Sc 46)	1	10
Silver 105 (Ag 105)	1	10

Silver 111 (Ag 111)	10	10
Sodium 22 (Na 22)	10	10
Sodium 24 (Na 24)	10	10
Strontium 89 (Sr 89)	1	10
Strontium 90/+Yttrium 90 (Sr 90/+Y 90)	0.1	1
Sulfur 35 (S 35)	50	50
Tantalum 182 (Ta 182)	10	10
Technetium 96 (Tc 96)	1	10
Technitium 99 (Tc 99)	1	10
Tellurium 127 (Te 127)	10	10
Tellurium 129 (Te 129)	1	10
Thallium 204 (Tl 204)	50	50
Tin 113 (Sn 113)	10	10
Tungsten 185 (W 185)	10	10
Vanadium 48 (V 48)	1	10
Yttrium 90 (Y 90)	1	10
Yttrium 91 (Y 91)	1	10
Zinc 65 (Zn 65)	10	10
Beta and/or Gamma emitting radioactive material not listed above	1	10

7:28-3.12 Application and annual registration renewal fees for ionizing radiation-producing machines

*****TABLE AND RULES OMITTED*****

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7:28-3.13 Fees for registration of radioactive by-product material, source material and special nuclear material

*****TABLE AND RULES OMITTED*****